

*******ADOPTED MAY 5, 2008*******

TOWNSHIP OF DELANCO

ORDINANCE 2008-3

**ORDINANCE OF THE TOWNSHIP OF DELANCO
ADOPTING A REDEVELOPMENT PLAN, AND AUTHORIZING ACTIONS
TO PROMOTE REDEVELOPMENT, PURSUANT TO THE
LOCAL REDEVELOPMENT AND HOUSING LAW,
N.J.S.A. 40A:12A-1 et seq.**

BE IT ORDAINED, by the Township Committee of the Township of Delanco, County of Burlington and State of New Jersey, as follows:

Section 1. PURPOSE AND INTENT; BACKGROUND.

This Ordinance, and the “Zubrugg Mansion Redevelopment Plan” adopted herein, are intended to implement a redevelopment strategy for real property referred to generally as the Mansion parcels, including Block 1202, Lots 1.01, 1.02 and 1.03, and Block 1201, Lots 1.01 and 1.02, as designated on the Tax Maps of Delanco, as may be redesignated from time to time (“Redevelopment Area”), which Redevelopment Area is now owned by the Township of Delanco.

The primary goals of the Township’s redevelopment strategy are to improve the quality of life for its residents, and provide for the residential development of the Mansion properties in a manner to benefit the community and the Township at large, and to ensure the long-term viability of suitable uses for the property while retaining and restoring the Zurbrugg Mansion through a Redevelopment Project.

On June 20, 2006, pursuant to an investigation and ultimate recommendation by the Township Joint Land Use Board, and following public hearings and notices pursuant to the Local Redevelopment and Housing Law, the Township Committee adopted Resolution No. 2006-103 formally designating the Redevelopment Area and directing the preparation of a Redevelopment Plan. The Township was in sole ownership of all the properties within the Redevelopment Area at the time of the designation of the Redevelopment Plan and remains so at this time.

The Township has received numerous proposals for the Mansion and considered same, before entering into a Redevelopment Agreement with Zurbrugg Partnership, LLC, as authorized by Resolution 2008-54 on March 31, 2008, and confirmed to form by Resolution 2008-56 on April 14, 2008. The parties have executed the Redevelopment Agreement, which calls for the construction of 8 townhome units, the redevelopment of the Mansion for up to 24 senior restricted residential units, with a significant COAH obligation as to those units, at a purchase price of \$1.8 million.

Section 2. DETERMINATION OF “AREA IN NEED OF REDEVELOPMENT.”

The Redevelopment Area, as adopted in June of 2006 by The Township Committee by Resolution, upon recommendation of the Planning Board, was designated as a Redevelopment Area in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Section 3. ADOPTION OF THE REDEVELOPMENT PLAN.

The Local Redevelopment and Housing Law provides that no Redevelopment Project shall be undertaken except in accordance with a Redevelopment Plan adopted by Ordinance. The Zurbrugg Mansion Redevelopment Plan, dated April 16, 2008, as prepared by Taylor Design Group, professional planners, with the Township Committee and the Township Joint Land Use Board and introduced pursuant to law, is hereby ADOPTED, and, by reference hereto and incorporation as if fully set forth herein at length, the Zurbrugg Mansion Redevelopment Plan and this Ordinance set forth the Township’s goals and objectives for the area. This adopted Redevelopment Plan shall supersede the Township Zoning and Master Plan.

Section 4. AUTHORITY OF THE TOWNSHIP IN FURTHERANCE OF THE REDEVELOPMENT PLAN.

The Township Committee of the Township of Delanco, County of Burlington, shall have, and is hereby entitled to have and be vested with, all powers and all authority available to it in furtherance of the goals and purposes of said Zurbrugg Mansion Redevelopment Plan.

The Township Committee will function as Redevelopment Entity (“Redevelopment Agency”) in order to effectuate redevelopment for residential uses consistent with the Redevelopment Agreement with Zurbrugg Partnership, LLC. The Township Committee is specifically empowered to undertake any such actions as authorized and set forth under N.J.S.A. 40A:12A-1 et seq., including but not limited to contracting with Zurbrugg Partnership, LLC for the construction and improvements within the Redevelopment Area, pursuant to this Ordinance and the Redevelopment Plan.

Section 5. TIME LIMITS.

The Redevelopment Plan shall be implemented within five (5) years from the date of adoption. Any termination of this Redevelopment Plan shall in no way permit the land or structures in the Redevelopment Area to be restricted on the basis of race, creed, color, gender, marital status, age, handicap, family status, ancestry or national origin.

Section 6. ANNUAL REPORTS.

The Township of Delanco shall submit an annual report to the Commissioner of the Department of Community Affairs of the State of New Jersey indicating the name, location, and size of all projects undertaken within the Redevelopment Area.

Section 7. ADDITIONAL STATUTORY REQUIREMENTS.

As set forth below, the Zurbrugg Mansion Redevelopment Plan is in full compliance with State statutes.

A. Definitions. The definitions provided for in N.J.S.A. 40A:12A-3 are incorporated into this Redevelopment Plan by reference.

B. Discrimination Ban. No covenant, lease, conveyance or other instruments shall be executed whereby land or structures within the Redevelopment Area are restricted upon the basis of race, creed, color, gender, age, handicap, family status, ancestry or national origin.

C. Pre-existing Approvals. Any plans approved by the Township of Delanco prior to the adoption of this Redevelopment Plan shall not be subject to the requirements of the Redevelopment Plan.

D. Relationship of Plan to Definite Local Objectives. The Zurbrugg Mansion Redevelopment Plan is a comprehensive plan which includes a complete description of the relationship of the Plan to the definite local objectives as to appropriate land uses.

E. Proposed Land Uses and Building Requirements. The Redevelopment Plan, which is attached hereto and incorporated herein, includes maps and provisions sufficient to describe the land uses and building requirements within the Redevelopment Area.

F. Relationship to other Plans. The Zurbrugg Mansion Redevelopment Plan contains text sufficient to describe its relationship to the State Development and Redevelopment Plan and the County and Municipal Master Plans. In addition, this Redevelopment Plan shall have no detrimental effect on the Master Plans of contiguous municipalities.

G. Relationship of Municipal Land Use Law. The Zurbrugg Mansion Redevelopment Plan describes any relationship to the Municipal Land Use Law, as appropriate, which Plan is incorporated herein.

H. Relocation Provision. No residential occupancy relocation is proposed in this Redevelopment Plan.

Section 8. PROCEDURES FOR AMENDING THE PLAN.

This Redevelopment Plan may be amended from time to time, in accordance with the requirements of law, provided that, when revisions or amendments materially affect an owner with an interest in the Redevelopment Area, the Township of Delanco shall hold public hearings, and shall issue notices to owners whose interests therein are materially affected. Procedures for amending the Redevelopment Plan shall be as regulated in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. All of the Mansion properties are under Township ownership at this time.

Section 9. ESCROW AGREEMENT.

The Redeveloper and the Township of Delanco have entered into an escrow agreement under the Redevelopment Agreement providing for reimbursement to the Township for fees and costs incurred, or to be incurred, by the Township, including fees and costs, for the preparation and adoption of this Redevelopment Plan.

Section 10. INCONSISTENT ORDINANCES REPEALED.

All prior Ordinances or portions thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 11. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption and publication, as required by law.